

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ERIK PRINCE,	:
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	: No. 21 Civ. 10075 (LAP)
Plaintiff,	:
	: ECF Case
-against-	:
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THE INTERCEPT, et al.,	:
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	:
Defendants.	:
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	:
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NOTICE OF MOTION

Defendants First Look Media Works, Inc. n/k/a First Look Institute, Inc. (“First Look”) and Matthew Cole, by and through undersigned counsel, respectfully submit this motion to dismiss the Complaint filed by Plaintiff Erik Prince in the above-captioned matter. The Complaint seeks money damages for news reporting protected under the First Amendment and New York law. Specifically, the challenged statements in the news article put at issue in the Complaint are not reasonably capable of the defamatory meaning that the Plaintiff assigns to them, and they are, in any event, non-actionable pure opinion and opinion based on disclosed facts.

Additionally, as a matter of both New York statutory law and federal constitutional law, the Plaintiff was required to plausibly plead that the Defendants published the news article with “actual malice” fault—that is, with knowledge that the challenged statements were false or publication despite a high degree of awareness of their probably falsity. Even after another

federal court cast doubt on his allegations in its dismissal of the Plaintiff's prior, nearly identical complaint, he fails to do so here in his re-filed lawsuit.

Accordingly, Defendants respectfully request that the Court dismiss the Complaint with prejudice and award costs and fees pursuant to the New York Anti-SLAPP statute, N.Y. Civ. Rights L. § 70-a.

Respectfully submitted,

BALLARD SPAHR LLP

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